

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **JOSE ORLANDO GOMEZ APONTE**
SSN xxx-xx-4795

CASE NO: **18-01896-ESL**

Debtor(s)

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **04/09/2018**

First Meeting Date: **05/16/2018 at 1:00PM**

Days From Petition Date: **38**

341 Meeting Date: **05/16/2018 at 1:00PM**

910 Days Before Petition: **10/09/2015**

Confirmation Hearing Date: **06/15/2018 at 11:00AM**

Chapter 13 Plan Date: **04/09/2018** ☐ Amended

Plan Base: **\$26,280.00** Plan Docket # **2**

This is Debtor(s) 2 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$150.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEARANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☐ Present ☐ Absent ☐ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

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Attorney for Debtor(s): ☐ Not Present ☐ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☒ Creditor(s) Present ☐ None

First Bank- Romero

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$132.00** Outstanding (Through the Plan): **\$2,868.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: \$ N/A

☐ The Trustee cannot determine debtor's/s' commitment period at this time.

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately (\$4,816.53)

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: 0 %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☐ CLOSED ☒ HELD OPEN FOR 21 DAYS

§341 Meeting Rescheduled for: _____

Comments:

*CREDITOR(S) ORAL OBJECTIONS [LBR 3015-2 (c)(4)]

-The following creditor(s) present at this meeting made oral objection(s) to the proposed plan.

- First Bank objected the confirmation of the plan because it fails to provide for adequate protection payments.

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

- Debtor has failed to list a 1996 Ford Mustang as property of the estate. Vehicle is under debtor's name and was bought for the use of his student son.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.
[1322(d)(1)]

[1325(a)(8)] DSO Payment Default – Debtor(s) is in default with post-petition DSO payments.

Debtor has failed to submit evidence of being current with post petition DSO payments up until the month of MAY or the confirmation of the plan.

Debtor incorrectly listed Asume's claim in section 4.5. Please note section 4.5 is about debt assigned or owed to a governmental unit and treated pursuant o to 11 U.S.C. § 1322(a)(4). - Debtor must amend the plan to move the provision for ASUME to section 4.4.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of having filed local tax returns for years 2017.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

- Fails to disclose income.

- Debtor has failed to list food stamp of common law spouse in Schedule I.

Adequate Protection Payments

- Debtor failed to provide adequate protection payments for creditor.

*OTHER COMMENTS / OBJECTIONS

NONE.

/s/ Jose R. Carrion, Esq.

Meeting Date: May 16, 2018
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Trustee

/s/ Mayra Arguelles, Esq., Presiding Officer